

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EUCLIDES SOTO, LOUIS A. MARTINEZ,
JOSE RAMIREZ, CLEMENTE HERNANDEZ,
CESAR PIZARO, ELISON PENA,
JUAN COLON, JOSE ORTIZ,
RAFAEL TORRES, ANGEL BAEZ,
ANTONIO MARTINEZ, WILFREDO ORTIZ,
EULOGIO ORTIZ, MIRRAIN MIRANDA,
RAFAEL MORENO, NELSON ACEVEDO,
and RAMON RODRIGUEZ,

Plaintiffs,

v.

SHERMAN-FEINBERG CORPORATION,
FARNSWORTH FIBRE CORPORATION,
UNITED STEELWORKERS OF AMERICA,
LOCAL 421-U, AND UNITED STEELWORKERS
OF AMERICA,

Defendants.

CIVIL ACTION
NO.: 04-10892-JLT

FILED
FEB 23 2006
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**OPPOSITION TO MOTION TO FILE REPLY BRIEF IN OPPOSITION TO
MOTION TO ATTACH ASSETS OF THE UNITED STEELWORKERS OF
AMERICA (FED.R.CIV.P. 64)**

Pursuant to Rule 64 of the Federal Rules of Civil Procedure, the plaintiffs move this court for an order of attachment of the real estate, goods, chattels, cash, accounts receivable, and other assets of the United Steelworkers of America, most of which are in Las Vegas, Nevada, and Pennsylvania, and the Pension Funds, Health Funds and Welfare Funds in Pennsylvania, to satisfy the judgment for damages and costs, which the plaintiff may recover in the sum of \$13,695,000.00 in wage, discrimination and emotional distress damages, and/or \$65,000,000.00 punitive damages for discriminatory actions. Pursuant to Rule 64 and 4.1 the plaintiffs submit the Affidavits of Robert O. Berger; said Affidavits

annex the discovery in this case in the form of depositions of each plaintiff and the defendant. Rules 4.1 and 65 require an affidavit, and two have been supplied, so that the objections to them are groundless. It is just untrue and insulting to say that any attorney submitted an opinion about the attachment. Furthermore, the defendant neglected to file an objection to the motion for an attachment. The plaintiffs are likely to prevail, the defendant union listed no insurance policy under Rule 26, and lost wages, front wages, punitive damages and emotional distress damages are available on this record. *Kolstad v. American Dental*, 527 U.S. 526 (1999).

Respectfully Submitted,

/s/ John Lee Diaz and Robert O. Berger

John Lee Diaz, Esq.

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was
served upon the attorney of record for each other party
by mail (or hand) on 2/23/06

Robert O. Berger